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Summary record of the 26th meeting
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Chairman: Mr. Politi ..... (Italy)

Contents

Agenda item 171: Observer status for the Inter-American Development Bank in the General Assembly

Agenda item 172: Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly

Agenda item 154: Progressive development of the principles and norms of international law relating to the new international economic order (*continued*)

Agenda item 156: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*)

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00-74073 (E)

The meeting was called to order at 3.30 p.m.

Agenda item 171: Observer status for the Inter-American Development Bank in the General Assembly (A/55/192; A/C.6/55/L.13)

1. **Mr. Biato** (Brazil), speaking on behalf of the Group of Latin American and Caribbean States, introduced draft resolution A/C.6/55/L.13 on observer status for the Inter-American Development Bank in the General Assembly and said that Panama and Spain had joined the sponsors, while Saint Vincent and the Grenadines had withdrawn.

2. The Bank, founded in 1959, was the oldest and largest regional multilateral development institution. In over 40 years of operation, the Bank had mobilized some $240 billion, which had been used to render feasible public and private investment in the region in priority social and economic projects, with special attention to poverty eradication, social integration and environmental protection, and had developed innovative programmes to reach small and medium-sized enterprises. In addition, it had offered technical cooperation in the elaboration, financing and execution of development plans.

3. The Bank had observer status with the Economic and Social Council and working arrangements with a variety of United Nations bodies and agencies. It had often been invited to address the Second Committee on specific development issues. The Bank's priorities for future lending included areas such as environmental protection, strengthening of civil society, dissemination of information technology and modernization of the State, in which an increased exchange with the United Nations would be mutually beneficial. The sponsors of the draft resolution therefore believed that the current ad hoc nature of the collaboration should be made permanent by observer status in the General Assembly. Moreover, there was a precedent for granting observer status to a regional development bank, since that had been done in the case of the African Development Bank.

4. **The Chairman** said that France had also been added to the list of sponsors.

5. *Draft resolution A/C.6/55/L.13 was adopted.*

Agenda item 172: Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly (A/55/226)

6. **Mr. Norström** (Sweden), speaking on behalf of the States members of the International Institute for Democracy and Electoral Assistance (Australia, Barbados, Belgium, Botswana, Canada, Chile, Costa Rica, Denmark, Finland, India, Mauritius, Namibia, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden and Uruguay), said that the Institute, also known as International IDEA, was an intergovernmental organization based on an international agreement between States. Its work was relevant to that of the United Nations. It therefore fulfilled the criteria for the granting of observer status laid down in General Assembly decision 49/426.

7. The purpose of the Institute was to promote sustainable democracy and improve electoral processes worldwide by cooperating with countries in the building of their democratic institutions. In all its activities, the Institute adopted a non-prescriptive approach, providing options rather than predetermined solutions.

8. The Institute was cooperating with the United Nations on several projects. For instance, it was working with the Electoral Assistance Division of the United Nations in the production and dissemination of an electronic encyclopaedia on the administration of elections, with the United Nations Institute for Training and Research on the issue of democracy and conflict prevention, and with the United Nations Development Programme on activities in the field. In order to strengthen the links between the Institute and the United Nations, its member States had requested that it should be granted observer status in the General Assembly.

9. **Mr. Su** Wei (China) said that, while observer status in the General Assembly might well enhance links between an intergovernmental organization and the Assembly, it was surely not the only way of achieving that end. His delegation believed that, for practical reasons, there should be an overall limit to the number of organizations granted observer status. Those whose activities had only occasional relevance to items under discussion by the General Assembly or relevance only to a particular subsidiary body of the Assembly might be accommodated in some other way. They

might, for example, apply for observer status for a particular session.

10. Moreover, the criteria set forth in General Assembly decision 49/426, namely, that "the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly", were somewhat general and needed further clarification. It was not clear whether "matters of interest to the Assembly" referred to the functions stipulated in the Charter of the United Nations or to agenda items under consideration at a specific session. The agenda of the General Assembly touched upon nearly all areas, and the activities of almost any intergovernmental body might be said to be related to one aspect or another of the Assembly's work. Such questions needed to be addressed by the Committee at its future meetings with a view to identifying more specific criteria and guidelines for the granting of observer status.

11. Lastly, the Institute, upon examination, appeared to have a novel structure. It had been established by an intergovernmental agreement, but its members included both States and non-governmental organizations. Although the latter were referred to as associate members, their rights and obligations appeared to be exactly the same as those of the States members of the Institute. Given the mixed character of the Institute, his delegation hesitated to assume that it was an intergovernmental organization within the meaning of General Assembly decision 49/426. The precise definition of "intergovernmental organization" was an important legal issue on which the Committee should do further work.

12. **Ms. Álvarez Núñez** (Cuba) said that her delegation was grateful to the representative of Sweden for bringing the work of the Institute to the attention of the Committee. Although the activities of the Institute might perhaps be of special significance to some countries in transition, they might prove to be of interest to only a limited number of countries, since the Institute approached the themes of democracy and electoral assistance from a particular standpoint. Ultimately, it was up to each State to choose its own path to strengthening its own system of democracy.

13. General Assembly resolution 54/195 had attributed a new responsibility to the Sixth Committee by providing, in paragraph 2, that "any request by an organization for the granting of observer status in the General Assembly will be considered in plenary session after the consideration of the issue by the Sixth Committee". As her delegation interpreted it, the mandate thus conferred was for a technical and legal appraisal of the appropriateness of such a request in the light of the criteria set forth in General Assembly decision 49/426, namely, that observer status should be confined to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. The plenary Assembly would, of course, make the final decision, taking into consideration the Committee's recommendation.

14. After studying the agreement establishing the Institute, her delegation had some doubts about the strictly intergovernmental nature of the organization. Although, in article IV on membership, a distinction was drawn between members, which were States and intergovernmental organizations, and associate members, which were non-governmental organizations, no real differences between the two categories were perceptible in the rest of the document in terms of their rights and duties. Paragraph 4 of the article appeared to add another contradictory element by providing for a balance between the two categories. Moreover, according to article VII, the Council of the Institute was composed of one representative of each member and associate member, on an equal footing. In addition, her delegation thought it unusual, and not conducive to real independence, that an intergovernmental organization should depend on purely voluntary contributions, as provided in article V of the agreement.

15. Clearly, in view of the mandate conferred on it by General Assembly resolution 54/195, the Committee must give serious thought, both on the current agenda item and in the future, to the technical questions involved in interpreting the criteria laid out in General Assembly decision 49/426.

16. **Mr. Tarabrin** (Russian Federation) recalled that at the previous session his delegation had proposed that consideration of the question of granting observer status to the Institute should be deferred. At the current session, his delegation had not opposed consideration of the item by the General Committee on the understanding that it would be examined in detail in the Sixth Committee.

17. It should be clear at the outset that his delegation had no complaints against the Institute. It was a prestigious international organization which carried out useful work. At the same time, it was not an altogether typical case. His delegation could not define its character in unambiguous terms.

18. While the Institute was an intergovernmental organization, it included non-governmental organizations as associate members. In accordance with article VII, paragraph 1, of the agreement establishing the Institute, its Council was composed of representatives of all members, including associate members. In accordance with paragraph 6 of that article, each member of the Council had one vote. All members of the Council were entitled to take part in votes on dissolving the organization or amending the agreement. Thus, one gathered the impression that it was not a purely intergovernmental organization.

19. His delegation attached primary importance to preserving the intergovernmental character of the United Nations. Nevertheless, it was prepared to join a consensus, should one be achieved, on granting observer status to the Institute.

20. **Mr. Mirzaee-Yengejeh** (Islamic Republic of Iran) said that, like the preceding speaker, he had no objections to the Institute. Nevertheless, in its decision 49/426, adopted on the recommendation of the Sixth Committee, the General Assembly had laid down a single, clear criterion for the granting of observer status in the Assembly, namely, that such status should in the future be confined to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly.

21. His delegation had studied the agreement establishing the Institute; as stipulated in article IV, paragraph 2, of that agreement, the Institute was open to membership by non-governmental organizations, as associate members. Moreover, such organizations were represented in the Council of the Institute, where, in accordance with article VII of the agreement, each member was entitled to one vote. For those reasons, his delegation did not believe that the Institute was a purely intergovernmental organization of the kind referred to in the decision, and that further consultations were required before observer status could be granted to it.

22. **Mr. Haque** (Pakistan) said that his delegation shared the views expressed by the representatives of China, Cuba, Iran and the Russian Federation.

23. **Mr. Kerma** (Algeria) said that, notwithstanding the excellent work the Institute was doing, his delegation had some hesitation about recommending observer status. In its decision 49/426, the General Assembly had been clear that observer status in the Assembly should be confined to States and intergovernmental organizations. Examination of the agreement establishing the Institute showed that it had a mixed membership, both governmental and non-governmental, and that some of its funding came from non-governmental sources.

24. Moreover, if observer status was granted too readily, the sheer number of observers could hamper the work of the General Assembly and erode the privileges of other observers. Since, for the reasons outlined by the representatives of China, Cuba and the Russian Federation, the current request for observer status was a special case not completely in accord with the criteria set forth by the General Assembly, his delegation felt that more time was required for reflection before making a decision.

25. **Mr. Hoffmann** (South Africa) said that, according to General Assembly resolution 54/195, it was incumbent upon the Sixth Committee to make a recommendation on the request for observer status. In the light of the criteria laid down in Assembly decision 49/426, the Committee must decide two points: whether the Institute was an intergovernmental organization and whether its activities covered matters of interest to the Assembly. His delegation believed that the Institute satisfied both criteria.

26. On the intergovernmental question, the Institute had been established by an international agreement between Governments, and only States or intergovernmental organizations could accede to the agreement in accordance with article XVIII thereof. Its constituent members were therefore States. It was according to the same criteria that the International Union for the Conservation of Nature and Natural Resources (IUCN) had been granted observer status in the General Assembly under the much-quoted resolution 54/195.

27. His delegation was also convinced that the activities of the Institute covered matters of interest to the General Assembly. Certainly, the Institute's key

themes for its future work, namely, democracy and conflict management; the relationship between democratization, sustainable development and poverty eradication; and democracy as a human right, were all highly relevant to the agenda and the role of the United Nations in the twenty-first century. Increased cooperation between the United Nations and the Institute was vital, and the Institute should be recommended by the Sixth Committee for observer status.

28. **Mr. Hakwenye** (Namibia) said that, in the light of General Assembly decision 49/426, the Committee should confine itself to considering the nature and activities of the organization in question. While all delegations agreed that the Institute's activities were related to the work of the Organization, it was difficult to determine whether it was a purely intergovernmental organization, because the decision did not provide any classification criteria. His delegation associated itself with the comments made by the delegation of Sweden in document A/55/226.

29. **Mr. Kanu** (Sierra Leone) said he was certain that the delegation of Sweden would not have proposed observer status for the Institute if its interests were inimical to those of Member States. Nevertheless, like the delegations of Algeria, China, Cuba and Iran, his delegation wished to have further consultations on the item. In the past there had been other organizations whose statutes had appeared to be faultless, but which had in fact been fronts for nefarious activities aimed at undermining Member States and the Organization as a whole.

30. **Mr. Gomaa** (Egypt), referring to the point made by the South African representative concerning the decision to grant observer status to IUCN, said that in that particular case, the decision had gone to the Second Committee, which had perhaps been less qualified to deal with questions of procedures and rules. Accordingly, a compromise had been reached whereby observer status would be granted to IUCN, while in the future all decisions relating to such status would be referred to the Sixth Committee, which was the body competent to deal with questions of an institutional nature. Now that the situation had been rectified and the General Assembly had called upon the Sixth Committee to undertake that task, the IUCN case should be regarded not as a precedent, but as an exception.

31. **Mr. Pitta e Cunha** (Portugal) said that his delegation associated itself with the comments made by the delegations of South Africa and Namibia. What was at issue was not the intergovernmental nature of the Institute, but its partnership with its associate members, which were non-governmental organizations. Contemporary intergovernmental organizations often engaged in such partnerships; that did not mean that they would be brought directly into the General Assembly. The Institute was composed of 17 States and five non-governmental organizations. In accordance with article IV, paragraph 4, of the agreement establishing the Institute, the number of associate members should at no time exceed the number of members. His delegation was convinced that the organization met the criteria laid down in General Assembly decision 49/426, and that, as noted by the delegation of the Russian Federation, it was a distinguished international organization that was doing very good work.

32. **Mr. Traoré** (Burkina Faso) said that his delegation was well aware of the tremendous work accomplished by the Institute in promoting the democratization process in his country. He urged the Committee to show flexibility in its application of General Assembly decision 49/426. The South African statement had posed the issue in fundamental terms. In the contemporary world, an intergovernmental organization could have partnerships with non-governmental organizations without compromising its intergovernmental nature.

33. **Mr. Maréchal** (Belgium) said that the criteria for the granting of observer status were contained in General Assembly decision 49/426. The organization in question must be an intergovernmental organization and its activities must be relevant to the United Nations. His delegation believed that the Institute fulfilled those criteria and that it should be granted observer status. His delegation stood ready to provide other delegations with whatever information they might require in order to support that proposal.

34. **Mr. Lavalle-Valdés** (Guatemala) said that his delegation supported the granting of observer status to the Institute. The fact that some non-governmental organizations could be associate members of the Institute in no way detracted from its intergovernmental status, especially since the number of associate members could not exceed the number of members. It should be noted that the Department of

Political Affairs, which dealt with electoral assistance, collaborated closely with the Institute.

35. **Mr. Sissilianos** (Greece) said that more than two thirds of the States Members of the Organization had received electoral assistance in recent years, and that the Third Committee of the General Assembly regularly adopted an important resolution on enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization. The Millennium Declaration also contained a chapter on that topic. There could be no doubt that the Institute's activities were of special relevance to the United Nations. As to the Institute's nature, his delegation associated itself with the comments made by the South African representative. He recalled that another important regional organization which had ties to the Security Council, namely, the Organization for Security and Cooperation in Europe, had not been established by means of an international treaty. He therefore urged the members of the Committee to show greater flexibility with regard to the criteria for the granting of observer status.

36. **Mr. Lehmann** (Denmark) said that his delegation had no objection to the mandate and objectives of the Institute. It was a genuine intergovernmental organization; it had an agreement with the Inter-American Development Bank, which had recently been recommended for observer status by the Committee. The fact that its associate members were non-governmental organizations did not affect its intergovernmental status. His country was an independent State, but it benefited greatly from the advice which it received from the Danish non-governmental organization community. Nevertheless, the Institute would always be represented in the Assembly by a member State, not by a non-governmental organization.

37. He called upon the members of the Committee to heed the Secretary-General's wish to see civil society representatives participate in governmental decision-making processes.

38. **Mr. Al-Dailmi** (Yemen) said that, in the interests of fairness and equity, observer status should be granted to the Institute. His delegation looked forward to cooperating with that organization in the future.

Agenda item 154: Progressive development of the principles and norms of international law relating to the new international economic order (*continued*) (A/C.6/55/L.10)

39. **The Chairman** said that, in keeping with the oral amendment he had made when introducing draft decision A/C.6/55/L.10, the word "fifty-eighth" should be inserted before the word "session" in the text of the draft decision.

40. *Draft decision A/C.6/55/L.10, as orally amended, was adopted.*

Agenda item 156: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*) (A/C.6/55/L.8 and Corr.1)

41. **Mr. Longström** (Finland), introducing draft resolution A/C.6/55/L.8 and Corr. 1, read out the list of sponsors, to which his country should be added. Burkina Faso, France and Guatemala had also joined the list.

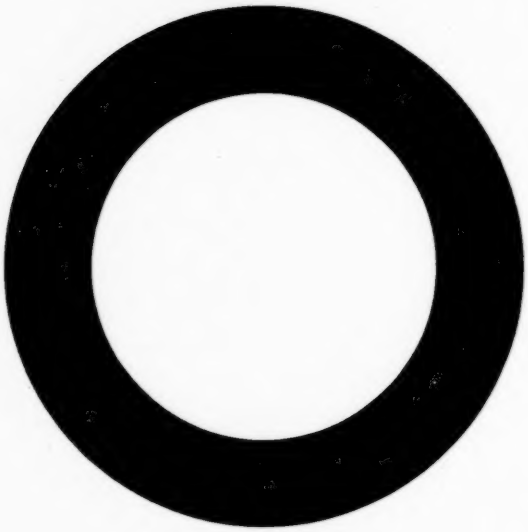
42. Violations of the security and safety of diplomatic and consular missions and representatives continued to pose a problem for the international community, as evidenced by the reports circulated under the item. The draft resolution served to demonstrate the commitment of Member States to the prevention of such violations. The draft was based on the relevant resolutions adopted over the years by the General Assembly on the item and followed the wording of Assembly resolution 51/156.

43. In the sixth preambular paragraph, the word "*Welcoming*" should be changed to "*Recalling*" in order to reflect the fact that the Security Council resolutions and statements were the same ones referred to in the draft resolution on the item adopted two years earlier.

44. After drawing attention to the third, fourth and fifth preambular paragraphs and to paragraphs 2, 3, 4, 5, 6, 7, 9, 11 and 13, he expressed the sponsors' hope that the draft resolution could be adopted without a vote.

45. **The Chairman** suggested that the Committee should defer action on the draft resolution to a later meeting.

The meeting rose at 4.50 p.m.



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Summary record of the 27th meeting
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Chairman: Mr. Politi ..... (Italy)

Contents

Agenda item 164: Measures to eliminate international terrorism

Agenda item 155: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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00-74365 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 164: Measures to eliminate international terrorism (A/55/37 and 179 and Add.1; A/C.6/55/L.2)

1. **Mr. Perera** (Chairman of the Ad Hoc Committee), speaking also as the Chairman of the Working Group of the Sixth Committee, said that the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210 required that Committee to address, first, the outstanding issues relating to the elaboration of the draft international convention for the suppression of acts of nuclear terrorism and, secondly, the question of convening a high-level conference to formulate a joint organized response by the international community to terrorism in all its forms. Negotiations concerning the draft convention had been held during the 1998 sessions of the Ad Hoc Committee and the Sixth Committee, but although substantial progress had been achieved it had not been possible to resolve the issue of the scope of the convention. By February 2000 positions had not yet come close enough for open-ended informal consultations to be convened and consultations were continuing on a bilateral basis. He urged all delegations to accept the need for compromise.

2. The text of the draft convention, which was based on the proposal submitted by the Indian delegation at the fifty-first session of the General Assembly, had been revised in the light of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism and on the basis of comments and suggestions from delegations. In September 2000 the Working Group had given a first reading to articles 1-22 and the preamble, with a view to clarifying the key issues and identifying articles which might require further discussion in informal consultations. The deliberations had reflected the complexity and diversity of the issues involved but also the willingness of all delegations to work constructively and make progress. It was clear that the draft convention provided a good basis for negotiation. The exchange of views had been both conceptual and specific. Most of the key issues had been identified. One was the question of the scope of the draft convention and its relationship to existing conventions. Some believed that it should cover all aspects of terrorism, including those regulated by existing conventions, while others considered that it should fill the gaps of existing conventions. Another issue was the definition of terrorism that should be adopted. Useful progress had been made and he drew the Committee's attention to the Working Group's recommendation that the work on elaborating the convention should continue.

3. With regard to the question of convening a high-level conference on terrorism, informal discussions had, after a preliminary exchange of views in the Ad Hoc Committee, continued during the year. Interested delegations had been invited to make specific proposals on how to proceed further but so far none had been received.

4. **Mr. Singh** (India) said that the discussions on the draft convention in the Working Group had shown that the draft text submitted by his delegation was generally considered a good basis for concluding a convention. Consensus needed to be achieved, however, in respect of the scope and definition of offences, the relationship between the draft convention and existing conventions and the need for and content of annexes attached to the draft convention. He hoped that the revised draft of several articles, including article 2, submitted by his delegation, would enable agreement to be reached on some of those issues.

5. As the Prime Minister of India and other speakers at the Millennium Summit had said, international terrorism, with its links to religious extremism, drug trafficking and the illicit arms trade, constituted the most dangerous threat to peace, democracy and development. It affected all societies, particularly pluralistic and open democracies. Following over a decade of cross-border terrorism that had claimed thousands of lives, his Government had accorded high priority to the conventions on the subject. It had ratified the International Convention for the Suppression of Terrorist Bombings and was taking the necessary steps to ratify the International Convention for the Suppression of the Financing of Terrorism. A comprehensive convention on international terrorism would effectively supplement the existing conventions and deny safe havens to terrorists anywhere in the world.

6. **Mr. Alabrune** (France), speaking on behalf of the European Union, the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania,

Slovakia and Slovenia, and, in addition, Norway, said that the European Union unreservedly condemned terrorism in all its forms and manifestations, whatever cause might be invoked in justification and whoever the perpetrators. The increase in terrorist acts such as aircraft hijackings and hostage-taking was a matter of particular concern. In order to combat international terrorism, the international community must arm itself with effective cooperation instruments which both respected human rights and addressed the political and human issues that constituted the factors of instability on which terrorist groups fed.

7. All European Union member States were parties to the 1977 European Convention on the Suppression of Terrorism, which had laid the groundwork for European cooperation in that area, while the Council Act of 27 September 1996 drawing up a protocol to the European Convention on Extradition was also a useful tool. The desire for European harmonization was reflected in the introduction into the domestic law of member States of strict regulations governing the handling of explosives. Efforts had been stepped up to prevent and reduce the threat of transnational terrorism by exchanges of information, which since July 1999 had been handled by the European Police Office (Europol). Cooperation with other States had also intensified, particularly with associated States of the European Union. Close contacts were maintained with the United States and the Russian Federation. It was hoped to increase dialogue with the Mediterranean coastal States and a programme of assistance to the Palestinian Authority had been set up.

8. The numerous conventions adopted under the auspices of the United Nations, dealing with specific categories of terrorist acts, were the fruit of a sectoral approach and the Ad Hoc Committee had worked on the same principles in adopting the International Convention for the Suppression of Terrorist Bombings, which had been signed by all 15 member States of the European Union, and the International Convention for the Suppression of the Financing of Terrorism, signed by a majority of European Union member States. The European Union was also in favour of rapidly concluding the draft convention for the suppression of acts of nuclear terrorism.

9. The sectoral approach had proved highly satisfactory, but the European Union considered that, as suggested by General Assembly resolution 54/110, it would be appropriate to elaborate a comprehensive convention on international terrorism, to be integrated into a series of conventions dealing with the issue as a whole. It therefore considered that negotiations should continue within the Ad Hoc Committee.

10. Piecemeal action taken against international terrorism was also welcome. States and organizations had transmitted information on measures taken at the national and regional levels and it was to be hoped that a compendium of domestic laws and regulations on terrorism would be published shortly. The International Atomic Energy Agency, too, had taken useful action to prevent and suppress the illegal traffic in nuclear and other radioactive materials, as well as making valuable recommendations concerning nuclear sabotage. The information provided by the International Civil Aviation Organization, showing that criminal acts relating to civil aviation had declined during the 1990s, was evidence of the efficacy of the instruments adopted for guaranteeing the safety of aircraft, even though recent events had shown that vigilance was still required.

11. **Mr. Valdivieso** (Colombia), speaking on behalf of the Rio Group, said that it unequivocally condemned all acts, methods and practices of terrorism, wherever and by whomsoever committed. It was convinced that the strengthening of international cooperation in the fight against terrorism would lead eventually to the elimination of that scourge. By convening two inter-American specialized conferences on terrorism, the States members of the Group had promoted concerted action within the hemisphere to strengthen cooperation between their Governments in that field.

12. The Declaration and Plan of Action of Lima to Prevent, Combat and Eliminate Terrorism had been adopted at the first Inter-American Specialized Conference on Terrorism, held in Peru in 1996. The Commitment of Mar del Plata, in which the States of the region had reiterated their condemnation of terrorist acts and pledged to combat terrorism on the basis of respect for human rights and fundamental freedoms, international law and the principles of non-intervention and the sovereignty and territorial integrity of States, had been adopted at the second Specialized Conference, held in Argentina in 1998.

13. Pursuant to one of the recommendations contained in the Commitment of Mar del Plata, the General Assembly of the Organization of American States had, on 7 June 1999, established the Inter-

American Committee against Terrorism as an appropriate institutional framework for promoting cooperation in that field. At its first meeting, held in October 1999, the Committee had considered its plan of work, including, inter alia, the creation of an inter-American databank on questions related to terrorism, advocating measures to combat the collection of funds for terrorist activities, designing technical cooperation programmes and training activities, and providing assistance to States in the elaboration of national anti-terrorist legislation.

14. At the United Nations, the Rio Group had actively supported all initiatives aimed at strengthening the international legal framework for combating terrorism. The adoption of the International Convention for the Suppression of Terrorist Bombings in 1997 and the International Convention for the Suppression of the Financing of Terrorism in 1999 represented a significant achievement in that field. The Rio Group underscored the importance of the entry into force of those conventions and hoped that the consultations being coordinated by the delegation of Australia on the draft convention for the suppression of acts of nuclear terrorism would lead to the adoption of a text that reflected in a balanced way the concerns of all delegations.

15. The delegations on whose behalf he spoke noted with satisfaction that the Working Group had begun negotiations on a comprehensive legal framework of conventions dealing with international terrorism, based on the draft submitted by India.

16. In the light of the debates in the Working Group, the Rio Group believed that the Ad Hoc Committee should address two questions on a priority basis, namely, the legal definition of the crime of terrorism and the scope of the draft convention and its relationship to the international treaties in force.

17. The Rio Group was aware of the broad mandate given to the Ad Hoc Committee by the General Assembly in its resolution 54/110 and supported the negotiation and future adoption of a convention on terrorism that could become an effective and universally accepted instrument for enhancing cooperation by States in that area.

18. The Rio Group considered that terrorism was different from other crimes because of its objectives. It believed that the legal definition contained in article 2 of the draft convention proposed by India should focus on the main objective of terrorism, which was to inflict terror on a population or to oblige a government or an international organization to take or refrain from taking a certain action. On the other hand, in accordance with inter-American norms, the Group believed that none of the provisions of the convention should impair the right of States to grant asylum, where appropriate.

19. With regard to the proposal to convene a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism, the objectives and possible results of such a conference must be carefully examined. The holding of the conference could foster a climate of trust and facilitate consensus among States on the elaboration of specific mechanisms for international cooperation to prevent, combat and eliminate terrorism.

20. **Mr. Al-Shamsi** (United Arab Emirates) said that terrorism was largely motivated by extremism or was a violent reaction to situations of oppression, frustration and despair. It was unrelated to geographical location, culture or religious belief and he therefore urged transparency and objectivity in addressing the subject. His country had taken various measures to combat all aspects of terrorism and had strengthened cooperation with neighbouring States and with regional and international organizations with a view to strengthening monitoring activities and exchanging information so as to combat crime and terrorism. It had also ratified a number of the international instruments relating to terrorism.

21. He was deeply concerned by the biased media campaigns which linked Arabs and Islam with international terrorism and called on the international community to make a distinction between terrorism and the national struggle of peoples under colonial domination and foreign occupation for restoration of their legitimate rights. He was equally concerned by the terrorist practices and systematic killing and violence inflicted on the Palestinian people by the Israeli occupation forces and heavily armed extremist settlers. He urged the United Nations to provide protection for the Palestinian people and, in accordance with the relevant United Nations resolutions, to prevail on Israel to end its aggression against the Palestinian people, their homes and their property, and to cooperate in an independent legal inquiry that would ensure prosecution of the Israeli officials responsible for causing that human tragedy. He affirmed his

country's support for all international and regional efforts to combat the roots of terrorism, including those aimed at elaborating a comprehensive convention on international terrorism and at convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

22. **Mr. Mwakawago** (United Republic of Tanzania), speaking on behalf of the Southern African Development Community (SADC), said that in the past four years the Sixth Committee had made significant and worthwhile contributions to the fight against terrorism. Terrorists took advantage of the inadequacies of international legal instruments to elude justice and accountability. Sovereign States could no longer cope single-handed with the threat of international terrorism. The challenge to the international community was to overcome those constraints.

23. In fighting terrorism, a country was required to be concerned with such questions as the source of the evidence and how it was obtained. Acquiring evidence across international frontiers added a number of procedural dimensions that must be regulated. Not surprisingly, territorial borders and their corresponding jurisdictions tended to hamper investigations.

24. SADC supported the recent landmark international conventions on the suppression of terrorist bombings and the suppression of the financing of terrorism. Those instruments targeted specific areas of concern to the international community and facilitated the establishment of specific rules of international law applicable to particular manifestations of terrorism.

25. The terrorist bombings in Cape Town, Dar-es-Salaam and Nairobi in 1998 were a grim reminder to the SADC countries of the scope of terrorist activities. While the international community had come a long way since the adoption of the Declaration on Measures to Eliminate International Terrorism of 1994 and its 1996 supplement, the network of international cooperation must be expanded and strengthened. In that context, SADC welcomed the working document submitted by the Government of India for a draft comprehensive convention on international terrorism.

26. SADC also noted the continuing efforts to resolve the outstanding issues relating to the elaboration of an international convention for the suppression of acts of nuclear terrorism. SADC expressed its willingness to negotiate, in the context of the position adopted by the Movement of Non-Aligned Countries, to overcome the differences that had impeded an early adoption of the draft convention.

27. **Mr. Karev** (Russian Federation) said that terrorism had become one of the most dangerous challenges to humanity. Increasingly, its victims were innocent people, and it was sustained by drug trafficking, the illicit arms trade and the laundering of the proceeds of crime. No individual State could fence itself off from the phenomenon of terrorism, because the various breeds of extremists had taken advantage of the modern ease of communications to set up their own "terrorist international", with the same terrorist groups operating in quite different regions. A new and worrying arc of terrorist activity had been formed, running from the Balkans across the Middle East, the Caucasus and Central Asia to Afghanistan, where the territories under the control of the Taliban had become a prime source of terrorist activity. The combined efforts of all States would be required to stop the spread of terrorism.

28. The United Nations was called upon to play the key coordinating role in those efforts. In 1994, the Declaration on Measures to Eliminate International Terrorism had precluded any attempt to justify terrorist activity by stating that terrorist acts were criminal and unjustifiable in any circumstances. The mobilization of international potential to combat terrorism should be based on firm principles, especially Security Council resolution 1269 (1999). Cooperation in that endeavour must be based on international law and on the maximum participation of States in existing international agreements. He urged all States to become parties to those agreements. The Russian Federation, for its part, had ratified the European Convention on the Suppression of Terrorism, and intended to ratify the International Convention for the Suppression of the Financing of Terrorism. The State Duma was also considering ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and the International Convention for the Suppression of Terrorist Bombings.

29. New instruments to combat terrorism were also needed. It was important to show flexibility and political will so that work on the draft comprehensive

convention on international terrorism submitted by India could be completed. The new convention would close existing gaps in the legal regime for cooperation against terrorism, and his delegation was prepared to play a constructive part in working on the text.

30. In recent years, the Russian Federation had had to deal with terrorist acts of appalling cruelty committed in its cities, including the capital, which had killed and wounded hundreds of people. The North Caucasus region was still the black spot, and matters were made worse by the material, moral and financial encouragement given to criminals there by various foreign terrorist and extremist organizations. Mercenaries were continually being sent to the Chechen Republic, in an attempt to turn it into a springboard for new attacks not confined to Russia itself.

31. The Government had adopted a number of decrees to protect the public and civil installations, to identify and destroy terrorist groups and criminal gangs and prevent them from entering Russian territory, and to cut off the trade in weapons and ammunition. For that purpose, it had updated the special Federal programme for combating crime for the period 1999-2000. Cooperation in combating terrorism was a high priority within the Commonwealth of Independent States (CIS). In 1999 the CIS members had concluded a treaty on the subject, and the Council of Heads of State of the CIS countries had recently approved a programme for anti-terrorist measures up to 2003 and decided to establish an anti-terrorist centre. The Council had also approved a programme of joint measures to combat crime, including terrorism, for the period 2000-2003.

32. **Mr. Hoffmann** (South Africa) associated his delegation with the statement made by the representative of the United Republic of Tanzania on behalf of the member States of SADC. He welcomed the Committee's work on terrorism as an opportunity for the international community to reiterate its condemnation of all acts of terrorism. The Ad Hoc Committee and the Working Group were making steady progress, and their work would enhance the universal commitment to eliminate terrorism in all its forms.

33. In South Africa, the Law Commission had been reviewing national legislation with a view to implementing existing international conventions against terrorism. A comprehensive draft Terrorism Bill, based on those instruments, was currently under discussion. The adoption of the International Convention for the Suppression of the Financing of Terrorism was a significant achievement, and his Government would sign it during the coming year.

34. He was grateful to the delegation of India for leading the initiative on elaborating a comprehensive convention on terrorism, which should complete the legal framework for combating the phenomenon. The new convention should, like its predecessors, opt for prosecution or extradition of offenders. It should not, however, do away with the existing compendium of anti-terrorism conventions, each of which had been painstakingly drafted to deal with specific acts of terrorism. He was aware that it would be no easy task to draft such a comprehensive instrument. The Working Group had already identified the conceptual problems involved and the scope of the work required. Evidently, sufficient time must be allocated to the topic for the next session of the Ad Hoc Committee. It was unfortunate that less progress had been achieved on finalizing the draft international convention for the suppression of acts of nuclear terrorism, and on the high-level conference on terrorism. Preliminary discussions on the draft comprehensive convention had shown that the new instrument would impact on the Committee's past as well as its future work, and would therefore add a new dimension to debate on those two initiatives. The agenda for the Ad Hoc Committee and the Working Group for the coming year should take that new dimension into account, and should be planned so that all three items could be treated as complementary parts of the comprehensive legal framework of conventions against terrorism.

35. **Mr. Traore** (Burkina Faso) welcomed the work done by the delegation of India on the draft comprehensive convention. The concept of terrorism had been clarified, to some extent, by the 1999 OAU Convention on the Prevention and Combating of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. The former instrument defined terrorism as acts contrary to the criminal laws of the States Parties which endangered the lives or physical integrity of individuals, property or the environment, and which were perpetrated in order to create an atmosphere of fear, disrupt public services, engender a crisis situation or foment insurrection, and to induce a government or other entity or grouping to adopt or refrain from a

particular policy. The latter defined it as "any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperilling their lives, honour, freedoms, security or rights ...". It exempted from the definition struggle or armed struggle against colonialism, occupation, foreign aggression and domination, to achieve liberation or self-determination in accordance with international law principles. The existing international conventions dealing with specific aspects of international terrorism contributed to a possible global definition by mentioning such acts as the unlawful seizure of aircraft, hostage-taking, and the financing of terrorism. For the purpose of defining the concept of terrorism, the elements which should form the basis of a definition were already present in those instruments. They included the threat or use of violence, the indiscriminate nature of the violence, its scale and targets, and the instilling of fear. The aim of elaborating a convention should be to leave no doubt how the law regarded certain acts.

36. Terrorism was an international phenomenon which must be suppressed without equivocation. No State was wholly immune to it, even the most powerful. His country was anxious for a clear, all-encompassing definition. The draft comprehensive convention should not become a fool's bargain; his delegation could not agree to hand over the tools of suppression to States which would then be able to define certain acts as acts of terrorism depending on their own strength and interests of the moment. He was surprised that the task of definition should be described as too problematic and a source of division among States. At the fifty-fourth session of the General Assembly his delegation had pointed to the lack of a definition in the International Convention for the Suppression of the Financing of Terrorism, and had emphasized the need for a comprehensive global instrument containing such a definition. The draft submitted by India was an excellent instrument for combating crime; however, terrorism was no ordinary crime, and the absence of a definition was a significant omission.

37. He endorsed the draft amendment submitted by Malaysia on behalf of the Islamic Conference. Only a shared perception of terrorism, clearly framed in terms of international law, could achieve practical results and secure joint action by States to overcome the phenomenon.

38. **Mr. Uykur** (Turkey) supported the statement made by France on behalf of the European Union. Terrorism posed a severe challenge to democracy, civil society and the rule of law. There was a direct link between the full enjoyment of human rights and combating terrorism, since it undermined the right to life, the right to live free of fear, and the right to liberty and security. Because individuals and groups, as well as States, could violate human rights, his Government took the view that they too had a responsibility for protecting and promoting them. Turkey, a country which had long suffered from terrorism, therefore called on the international community to take effective action against all the acts, methods and practices of terrorism, including the human rights violations committed by terrorist groups. Terrorism was not justifiable under any circumstances. States had an obligation to prevent and suppress acts of terrorism and to refrain from organizing, instigating, facilitating, financing, encouraging and tolerating such activities. International cooperation involved denying terrorists safe haven and the right of asylum. States must meet their commitments deriving from the existing body of international instruments against terrorism, while taking into account the evolving forms of terrorism. The Committee's work so far had focused on thematic instruments to combat terrorism, resulting in the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Turkey was in the process of ratifying the former instrument.

39. He welcomed the submission by India of the draft comprehensive convention on international terrorism. Such a convention would enhance the effectiveness of existing legal instruments. He hoped the momentum achieved in the Working Group during the current session of the General Assembly would be maintained in 2001 in the framework of the Ad Hoc Committee.

40. In addition to preparing international instruments, States and international organizations should also cooperate in implementing them. He hoped for increasing cooperation and information exchange between States and the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna. He also hoped that States would cooperate with the United Nations on issues such as the

promotion of terrorist acts in other countries through resources provided in their territories.

41. **Mr. Al-Thani** (Qatar) reiterated his country's condemnation of all forms of terrorism, which conflicted with the teachings of Islam and other religions. His delegation had participated in the discussions on the elaboration of a comprehensive convention on international terrorism, which should address the questions overlooked in the existing conventions, primarily that of the definition of terrorism. Many States were looking forward to a distinction which separated terrorism from the right of peoples to self-determination and the legitimate struggle of peoples under foreign occupation, particularly where national liberation movements were concerned. The preamble should contain a reference to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, and to international humanitarian law and human rights.

42. The gruesome images depicted in the media during recent weeks of the massacres and terrorist crimes committed against defenceless Palestinians by the Israeli military machine provided concrete proof that armed forces should not be excluded from the scope of the draft comprehensive convention on international terrorism. Their exclusion under the proposed article 18, paragraph 2, of the draft convention was tantamount to permitting such terrorist crimes against innocent civilians to be perpetrated with impunity, in disregard of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. As his delegation had already stated, the international community could not simply censure attacks on innocent women, children and elderly people without taking practical measures to secure the rights of the Palestinian people and their protection from the Israeli occupiers. One week earlier, Qatar had decided to demonstrate its solidarity with the Palestinian people in their harsh ordeal by closing the Israeli trade office in Doha as a result of Israel's decision to suspend the peace process and replace dialogue with force and violence.

43. The text of the draft comprehensive convention nevertheless provided a sound basis for the development of a convention that filled the gaps in the existing conventions on terrorism. He supported the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

44. **Mr. Gomaa** (Egypt) said that experience had proved that, irrespective of politics or geography, any State or people was vulnerable to terrorist acts. Egypt had been among the first to warn against the new danger of international terrorism and had waged a long-term campaign against it on all fronts. At the national level, it had taken various legislative and administrative measures aimed at eliminating terrorism, while at the regional level it had been the driving force behind the adoption of the Arab Convention on the Suppression of Terrorism, the OAU Convention on the Prevention and Combating of Terrorism, and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. At the international level, Egypt had signed and acceded to 11 conventions on international terrorism and urged all other States to follow suit. It had also participated effectively in the current discussions on the elaboration of new conventions aimed at suppressing terrorism and had responded to the Secretary-General's request for States to provide information on the national and international anti-terrorism measures they had adopted. He urged the States which had not yet done so to comply with that request in order to provide the benefit of their experience.

45. With reference to the ongoing United Nations efforts to combat terrorism and the special role played in that area by the Sixth Committee, his delegation had participated in drafting the International Convention for the Suppression of the Financing of Terrorism, which it had signed during the Millennium Summit. The draft comprehensive convention on international terrorism was currently a major priority because the existing conventions on the subject were too narrow in scope to cover every aspect of the phenomenon. Again an effective participant in the drafting discussions, Egypt was seeking the inclusion of four elements in particular: first, an agreed definition of terrorism; secondly, a bar on political asylum for terrorists; thirdly, a bar on immunity for members of armed forces who perpetrated terrorist acts; and fourthly, a distinction between terrorist acts and the activities of national liberation movements and armed struggle against foreign occupation, which were legitimate means of acquiring the right to self-determination and independence. A case in point, which his country

supported, was the resistance of the Palestinian people to the Israeli occupation authorities, who practised all forms of terrorism against them.

46. Another priority was the elaboration of the draft international convention for the suppression of acts of nuclear terrorism, in which connection he welcomed the efforts of its coordinator to explore the *ratione personae* scope of its provisions, as it was a source of concern to various delegations in view of the importance and delicacy of the related subjects. As for the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, such a conference would provide a suitable opportunity for intensive dialogue that would help to establish a comprehensive system for combating terrorism on the political, economic, technological and legal fronts. Egypt firmly believed that it would also convey a practical and political message to the entire world of the forceful intention to prevent and combat all terrorist activities in the future.

47. **Mr. Becker** (Israel), speaking in exercise of the right of reply, said that in the course of the debate certain delegations had sought to use the Committee as a forum for launching political and unsubstantiated accusations against his country. The work of the Committee was too important for it to be used to serve narrow political agendas. The Committee would fulfil its solemn responsibility in the fight against terrorism only if it proceeded in a spirit of consensus. He urged all delegations to conduct the debate in that spirit and to avoid partisan and offensive language.

48. If the representatives of those delegations which had spoken against his country were genuinely concerned about the scourge of terrorism in the Middle East, they would be talking about the importance of a return to the peace process. They would condemn all acts of terror, including the car bomb in the crowded Mahaneh Yehuda market which had claimed the lives of two Israeli civilians, the brutal mob lynching of two Israeli soldiers in Ramallah, and the desecration of various Jewish holy sites. Their commitment to the fight against terrorism would compel them to call on the Palestinian leadership to reincarcerate the convicted Hamas and Islamic Jihad terrorists released from Palestinian jails. They would call for security cooperation between Israel and the Palestinian Authority, in accordance with the agreements reached thus far. Their silence in that regard revealed more than it concealed about the real motives behind the current stalemate.

Agenda item 155: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*) (A/C.6/55/L.15)

49. **Mr. Nyman** (Sweden), introducing draft resolution A/C.6/55/L.15, said that it was the result of consultations and was similar to the previous years' resolutions. It stressed the importance of the existing body of international humanitarian law and of increasing wide acceptance of the two Additional Protocols. He drew attention to the third, sixth, seventh, tenth, eleventh and fourteenth preambular paragraphs and to paragraphs 4, 6, 9 and 10. In the tenth preambular paragraph, the first word had been changed from "Noting" to "Recalling". Paragraphs 4, 6, 9 and 10 were new. The following countries had joined the list of sponsors: Austria, Chile, Costa Rica, Croatia, Finland, Guinea, Moldova, the Russian Federation, South Africa, Spain and the United Kingdom. The sponsors hoped that the draft resolution could be adopted without a vote.

The meeting rose at 5.30 p.m.